

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PIL NO. 39 OF 2003

Bombay Environmental Action Group & Anr.Petitioners

VERSUS

State of Maharashtra & Ors.Respondents

Mr. D.J. Khambata with Mr. G.S. Patel and Mr. R.I. Chagla instructed by
M/s. Federal & Rashmikant for Petitioners

Mr. P.M. Patil, Assistant Government Pleader, for respondent Nos.1 & 4

Mr. S.G. Aney, Senior Advocate, with Mr. Ganesh Gole

for respondent No.2

Mr. J.Reis with Mr. Choudhari for respondentNo.3

Mr.Suraj Juneja, Mr. Pankaj Rajmachikar instructed by M/s. Wadia
Chandy & Co. for respondent Nos.6 and 7

Dr. Virendra V. Tulzapurakr with Ms. C. Salgaoncar-Radia for
respondent Nos.8 and 9.

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CORAM: C.K. THAKKER, C.J., &
S.A. BOBDE, J.

DATE: MARCH 24, 2004.

P.C.:-

1. We have heard the learned counsel for the parties.
2. Leave to amend prayer clause (f)(v).
3. The petitioners have prayed for interim reliefs in terms of prayer clauses (f)(v) and (f)(vi). They read as under;

"The Mahabateshwar Hill Station Municipal Council (R2), Panchgani Hill Station Municipal Council (R3) and the Collector, Satara (R4) be restrained by an Order and injunction of this Hon'ble Court from granting permission otherwise than in accordance with the Heritage Regulations annexed as Exhibits "J-3", "J-4" and "J-5" in respect of all items in the Heritage Lists prepared by the Surve Committee and as per the classification of the Surve Committee.

"Respondent No.1 be restrained by an Order and injunction of this Hon'ble Court from considering and/or sanctioning any Heritage List submitted by Respondent Nos.2 and/or 3 otherwise than in accordance with the Heritage List prepared by the Surve Committee and as per the classification of the Surve Committee."

[Handwritten signature]

4. Having heard the learned counsel for the parties, in our opinion, ends of justice would be met if we grant – which we hereby do - interim relief in terms of prayer clause (f)(v) at this stage.

5. So far as prayer clause (f)(vi) is concerned, the authorities are at liberty to consider and/or sanction any Heritage List, but final decision will be placed before this Court and no action will be taken before the matter will be placed and appropriate order will be passed by this Court.

6. Liberty to place on record amended petition.

7. Adjourned to July 7, 2004. Liberty to apply earlier in case of difficulty / necessity.

8. Parties be given copies of this order, duly authenticated by the Associate / Private Secretary.

CHIEF JUSTICE

S. A. Bobde

Private Secretary,
to the Hon'ble the Chief Justice
High Court Bombay

S.A. BOBDE, J.